IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

: CALVIN PURNELL, :

Plaintiff, : CIVIL ACTION

v. : No. 06-4168

MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

AND NOW, this 26th day of August 2009, upon consideration of the Parties' crossmotions for summary judgment, United States Magistrate Judge Arnold C. Rapoport's Report and Recommendation, and Defendant's objections to the Report and Recommendation, it is hereby **ORDERED** that:

- 1. The Report and Recommendation is **NOT ADOPTED**;
- 2. Plaintiff's Motion for Summary Judgment (Doc. No. 7) is **DENIED**; and
- 3. Defendant's Motion for Summary Judgment (Doc. No. 8) is **GRANTED**.

BY THE COURT:

/s/ Robert F. Kelly ROBERT F. KELLY SENIOR JUDGE